THE NEW INDIAN EXPRESS

BENGALURU • TUESDAY • DECEMBER 12, 2023 • ₹9.00 • PAGES 20 • LATE CITY EDITION

BILLS TO REPLACE CRIMINAL LAWS WITHDRAWN, NEW ONES COMING

The Centre on Monday withdrew the three bills seeking to replace the existing criminal laws — IPC, CrPC, and the Evidence Act

The PM and his office are learnt to have objected to two suggestions by the standing committee that examined the bills. While one of them is on bringing back a gender-neutral adultery law, the other moots punitive measures for non-consensual sex between men, women and trans persons under Section 377 of the IPC.

All 3 bills — Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Bill, 2023 — are being withdrawn to incorporate suggestions from the standing panel

Their revised versions will be introduced instead, the Centre said in a notification released late on Sunday night | P9

READ SHARE FOLLOW
newindianexpress.com

• CHENNAI • MADURAI • VIJAYAWADA
• BENGALURU • KOCHI • HYDERABAD
• VISAKHAPATNAM • COIMBATORE
• KOZHIKODE • THIRUVANANTHAPURAM
• BELAGAVI • BHUBANESWAR • SHIVAMOGGA
• MANGALURU • TIRUPATI • TRICHY
• TIRUNELVELI • SAMBALPUR • HUBBALLI
• DHARMAPURI • KOTTAYAM • KANNUR
• VILLUPURAM • KOLLAM
• TADEPALLIGUDEM • NAGAPATTINAM
• THRISSUR • KALABURAGI

Directs EC to hold J&K polls by Sept 30, 2024; Justice Kaul for Truth and Reconciliation panel

LANDMARK SC JUDGMENT UPHOLDS 370 ABROGATION

SUCHITRA KALYAN MOHANTY
@ New Delhi

IF Article 370 that gave special powers to J&K died on August 5, 2019 after the Centre read it down, it was buried on Monday when the Constitution bench of the Supreme Court upheld the government's decision.

In a landmark verdict, a five-judge bench headed by Chief Justice of India D Y Chandrachud held that the abrogation of Article 370 was not malafide, adding the special status was a temporary and transitory provision.

It directed the Election Commission of India to hold J&K elections by September 30 next year and asked the government to restore J&K's statehood at the earliest.

The court also upheld the decision to carve out Ladakh as a Union Territory (UT) from J&K but left the question of whether a state can be turned into a UT open. "The question whether Parliament can convert a State into a Union Territory is left open," the court said.

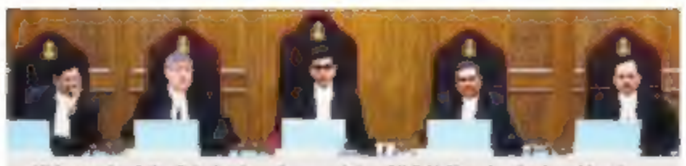
The court, however, found the process to abrogate Article 370 by amending the definition clauses in Article 367 to hold that "Constituent Assembly of J&K" would mean the "Legislative Assembly of J&K" and "Government of J&K" would be construed as "Governor of J&K" as illegal. In the oral arguments, the bench said that was at the heart of the matter.

The bench said the Centre should have instead employed the procedure contemplated by Article 370(3) if wanted to amend Article 370. Article 370(3) gives the President powers to issue an order declaring Article 370 inoperative but adds the proviso that that the recommendation of the J&K Constituent Assembly to do so is mandatory.

In his verdict, Justice Kaul, who will be retiring on December 25, recommended the setting up of a Truth and Reconciliation Commission to address violations of human rights perpetrated in J&K both by state and non-state actors since the 1980s. "The commission should be set up expeditiously before memory escapes. The exercise should be time-bound. There is already an entire generation of youth that has grown up with the feeling of distrust, and it is to them that we owe the greatest day of reparation," Justice Kaul said.

However, the commission should not turn into a criminal court and "must instead follow a humanized and personalized process enabling people to share what they have been through uninhibitedly," he said. It should be based on dialogue, allowing for different viewpoints and inputs from all sides, he added.

IN THE SC



Video grab of the 5-judge bench comprising CJI D Y Chandrachud and justices Sanjay Kishan Kaul, Sanjiv Khanna, B R Gavai and Surya Kant pronouncing their verdict on the abrogation of Article 370 in J&K, on Monday | PTI

J&K SPECIAL POWERS THROUGH THE YEARS

- **OCT 26, 1947** J&K's Maharaja Hari Singh signs the Instrument of Accession with India
- **JAN 26, 1950** Constitution comes into force, provides for Article 370 giving J&K special powers
- **DEC 20, 2018** President's Rule imposed in J&K, extended on July 3, 2019
- **AUG 5, 2019** Centre reads down Article 370, axes Article 35A
- **AUG 6, 2019** First petition challenging order filed in SC
- **AUG 28, 2019** Bench headed by the then CJI Ranjan Gogoi refers matter to five-judge Constitution bench
- **SEPT 19, 2019** SC sets up five-judge Constitution bench
- **MAR 2, 2020** SC refuses to refer 370 to larger seven-judge bench
- **AUG 2, 2023** SC commences day-to-day hearing on a batch of 23 petitions
- **SEPT 5, 2023** Court reserves verdict after hearing the matter for 16 days
- **DEC 11, 2023** SC upholds govt decision to kill 370

GOWDA WELCOMES SC DECISION

Hassan: Welcoming the Supreme Court's verdict, which upheld the Presidential order abrogating Article 370 of the Constitution in Jammu and Kashmir, former prime minister HD Deve Gowda on Monday said the law of the land is applied to Jammu and Kashmir as well, on the lines of other states in India.

Eye on UP, Bihar, BJP springs Mohan Yadav surprise in MP

ANURAAG SINGH @ Bhopal

EIGHT days after the BJP bucked anti-incumbency of its 18-year rule in Madhya Pradesh with a stunning victory, the saffron party on Monday sprung a surprise by choosing Mohan Yadav, higher education minister in the Shivraj Singh Chouhan government, as the next chief minister.

Yadav's selection surprised political circles as he was nowhere in the race for the hot seat. An OBC leader with the backing of the RSS, the 58-year-old is known for his pro-Sangh moves such as introducing Hindu epic *Ramcharitmanas* as an optional subject and C Rajagopalachari's *Preface to Mahabharata* in colleges.

MP CM-designate Mohan Yadav being greeted by outgoing CM Shivraj Singh Chouhan in Bhopal on Monday | PTI

"The entire move is also intended largely to send a message to Yadavs in UP and Bihar that the saffron party isn't at all averse to their political empowerment," a senior BJP leader said.

With Madhya Pradesh seen as the BJP's laboratory for political experiments, the saffron party has this time come out with an OBC-Dalit-Brahmin social engineering formula in the state. While the ruling party continued its 20-year-long tradition of opting for an OBC face as CM, it has also adopted a Dalit-Brahmin combination for deciding the two deputy CMs.

One of the deputy CMs is Jagdish Devda, finance minister in the Chouhan government and a fourth-time Scheduled Caste MLA from Malhargarh-SC seat. The other deputy CM is Rajendra Shukla, minister of public relations and fifth-time Brahmin MLA from Vindhya region's Rewa district.

CONTINUED ON: P10

Woman stripped, tied to pole after her son elopes with girl

SUNIL PATIL @Belagavi

A woman was stripped, beaten up and tied to an electric pole by a group of people from Naik community at Hosa Vantamuri village in Belagavi taluk on Monday early morning alleging that her son had eloped with a girl from their community.

The police arrested seven persons in this connection. They have been identified as main accused Basappa Rudrappa Nayak, 43, Kempanna Raju Nayak, 28, Raju Rudrappa Nayak, 55, Parvati Basappa Nayak, Gangavva Basappa Wali-Valikar, Sangeeta Sadashiv Hegganayak and Yallavva Rudrappa Nayak. A search is on for five more accused in the case. Security has been tightened in the village.

According to sources, the group barged into the house of Kamalavva Naik around 3am and started assaulting her for her son's action. Stating that the girl was supposed to get married shortly, they stripped Kamalavva and dragged her out. They later tied Kamalavva to the electric pole on the village street though she pleaded that she would persuade her son to send the girl home. P5

EXPRESS READ

Mahua moves SC against expulsion from LS

New Delhi: TMC's Mahua Moitra moved SC on Monday, against her expulsion from Lok Sabha, after the House adopted the ethics panel's report that held her guilty of accepting gifts from a bizman to further his interest. P10

EXPRESS INTAKE

Chaos in House over Zameer's 'Muslim Speaker' remark | P4

Rebel JDS camp appoints Nanu as party president | P4

Pinarayi to be blamed for attacks, says Arif | P5

Government of Karnataka

Minorities Welfare, Haj And Wakf Department

6 Months — A Tapestry Of Achievements

Hon'ble Deputy Chief Minister Shri D.K. Shivakumar greets the Minister for Housing,Wakf and Minorities Welfare Department Shri B.Z. Zameer Ahmed Khan.

Shri Siddaramaiah
Hon'ble Chief Minister

DELIVERED AS PROMISED...

Directorate of Minorities

- **Doubling of numerical strength:-** From the year 2023-24, student enrollments in 50 Morarji desai residential schools have been doubled. Due to this, additional 2196 students have received admissions in these schools.
- **Integrated Schools:-** From the year 2023-24, 62 Minority Morarji desai Residential Schools in the state have been upgraded to Integrated Schools from Class 6 to Class 12 and Science & Commerce Departments have been started in Pre-University Colleges and an additional 1191 students have been admitted in these schools.
- **Sanctioning of Posts:-** The posts of Group – B category Principals have been upgraded to the post of Group - A category Principals in the upgraded 62 Residential Schools. 908 teaching / non-teaching posts have been created in doubled & upgraded schools.
- **Development of Jain & Sikh Pilgrimage:-** A grant of 30 crores has been earmarked for subsidies of Jain and Sikh Pilgrimage and 9.25 crores has been already released for the comprehensive development of Shravanabelagola Shrine.
- **Skill Training:-** From the current year, training has already been started for educated unemployed young men /women under the Skill development of minorities scheme. And steps are being taken to provide military training, technical & non-technical training.
- **I.A.S/K.A.S Training:-** IAS and KAS pre examination training for 400 minority students is being given at Haj Bhavan. I.A.S and K.A.S training along with graduation is being given for 60 students through combined course.

Karnataka State Wakf Board

- **Preservation of Wakf Assets Scheme:-** A grant of Rs.28.34 crores has been released for the preservation of wakf properties of wakf institutions.
- **Honorarium scheme for Pesh Imams and Maujans:** A total grant of Rs.55.00 crores has been sanctioned to Pesh Imam and Maujans working in the mosques registered with the Board, and a total grant of Rs.36.67 crore has been released for 7593 Pesh Imams and 7569 Maujans.
- **Tastik and Annuity fund:-** A grant of Rs.3.28 crores has been released to pay Tastik-annuity pension compensation to a total of 868 non-Hindu institutions.
- **Under Case-52 and Case-54:-** 21 cases under Case-52 and 419 cases under Case-54 were disposed of in Karnataka State Wakf Board.

Karnataka State Haj Committee

- About 7138 pilgrims have traveled for Hajj pilgrimage under Hajj- 2023 from Karnataka state. Around 6146 pilgrims have traveled for Haj from Bangalore embarkation (including pilgrims from Karnataka, Andhra Pradesh and other states).

Karnataka State Wakf Council

- During the year 2023-24 under Wakf properties / Institutions Development Scheme, a total of Rs. 22.99 lakhs were spent as loan for construction of Shadimahal / Commercial Complex / Hostel building and for other expenses and Rs. 118.97 lakhs has been recovered.

Karnataka State Wakf Women's Development Foundation

- In the year 2023-24, a total of Rs. 197.42 lakhs has been spent towards providing health care to 360 Muslim women and girls and other related expenses.

Karnataka Minorities Development Corporation

- **Digital Loan Repayment System:-** Karnataka Minority Development Corporation has launched a digital payment gateway to recover its debts from the public.
- **Arivu Education Loan Scheme:-** An amount of Rs.1000.00 lakhs has been given to the Karnataka Examinations Authority as Corpus Fund for providing loans to students pursuing Professional courses.
- **Foreign Education Loan Scheme:-** A loan of up to Rs.20.00 lakh is being provided to students from minority communities who want to study abroad, to facilitate their graduation and post-graduate studies in prestigious foreign universities.
- **Special Shramashakthi Scheme for Women:-** A loan and subsidy amounting to Rs.0.50 Lakh is provided by the corporation for financial empowerment of Widow, unmarried, divorced women from minority community.
- **Santhwana Scheme:-** In cases of communal riots and communal violence in the state and in case business centers and residential houses are destroyed or damaged due to environmental calamities, a scheme has been launched by the Corporation to provide loan/subsidy upto Rs.5.00 Lakh for such cases.
- **Interest Subsidy Scheme:-** For the first time, 6% interest subsidy is being given on loans up to Rs 10 crore, to entrepreneurs belonging to the minority community, through the Karnataka State Financial Corporation.

As enshrined in our Constitution, - to safeguard public property and to abjure violence is the fundamental duty of every citizen of India

Shri Manoz Jain I.A.S
Secretary, Minority Welfare, Haj and Wakf Department

Shri Mohammad Nazeer
Managing Director, Karnataka Minorities Development Corporation

Shri Jeelani. H. Mokashi
Director, Directorate of Minorities